THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 405 OF 2004

–

Dated: 31-03-2006

Between:

D. Pochanna @ Nadipi Pochanna.

..Pettioner.

and

The Adilabad Municipal Council, represented by its commissioner,

Adilabad.

..Respondent.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 405 OF 2004

ORDER:

This petition is filed seeking a writ of mandamus to declare the action of the

respondent in removing a portion of the petitioner's house bearing Municipal Door No.1-2-14/19/16, Shantinagar, Adilabad, as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of the house bearing Municipal Door No. 1-2-14/19/16, Shantinagar, Adilabad, and the respondent-Municipal Council has recognized his ownership of the house and the monthly tax is also being collected for the said house. It is stated that he obtained a ration card showing the said house number as his own house and that a private litigation is pending with regard to the entire area covered at Shantinagar in L.G.O.P.No.5 of 1989 on the file of the Special Tribunal under the Land Grabbing (Prohibition) Act-cum-District Judge, Adilabad and it is nothing to do with the action of the respondent to demolish or dispossess the petitioner from the said house. It is further stated that without following the due process of law, the respondent is threatening the petitioner to dispossess from his house by demolishing the structures therein.

Heard both sides.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it appropriate to direct the respondent not to demolish the structures of the house bearing Municipal Door No.1-2-14/19/16, Shantinagar, Adilabad, without following due process of law.

With the above observation, the Writ Petition is disposed of. No order as to costs.

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31-03-2006

sj